

Senator Lewis moved to adjourn to Monday at 10 a. m.

Senator Yantis moved to adjourn to 3 p. m. to-day.

The Senate adjourned to Tuesday at 10 a. m. by the following vote:

Yeas—12.

Atlee.	Kerr.
Burns.	Presler.
Darwin.	Stafford.
Dibrell.	Tillett.
Goss.	Wayland.
Greer.	Yett.

Nays—9.

Bowser.	Rogers.
Colquitt.	Ross.
Lewis.	Woods.
Linn of Victoria.	Yantis.
Neal.	

Absent.

Bailey.	Morriss.
Beall.	Stone.
Gough.	Terrell.
Harrison.	Turney.

Excused.

Boren.	Linn of Wharton.
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THIRTEENTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, June 8.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Atlee.	Lewis.
Beall.	Linn of Victoria.
Burns.	Linn of Wharton.
Colquitt.	Morriss.
Darwin.	Rogers.
Goss.	Ross.
Gough.	Turney.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	

Absent.

Bailey.	Stone.
Bowser.	Terrell.
Dibrell.	Tillett.
Neal.	Wayland.
Presler.	Yett.
Stafford.	

Excused.

Boren.

Prayer by the Chaplain Rev. F. S.

Almighty God: We thank Thee that we are still in the land of the living, blessed with an opportunity for love and service. Help us to do our work with both hands, and with our whole head and heart. Feed and nourish us with Thy grace, and may Thy gospel sing to us as an angel and charm us out of ourselves into the great service of humanity. When our sins weigh us down, do Thou help us to look upon the cross of our Lord Jesus Christ, our only Savior, and see how great we are in Thy purpose. Help us to behold his infinite sacrifice and avail ourselves of his loving ministry. May Thy light shine upon our pathway to-day, that all our steps may be well and wisely taken. We ask for Christ's sake. Amen.

Senator Colquitt moved a call of the Senate for the purpose of securing and maintaining a quorum, which was ordered, the following Senators answering to their names:

Atlee.	Lewis.
Beall.	Linn, Victoria.
Burns.	Linn, Wharton.
Colquitt.	Morriss.
Darwin.	Rogers.
Goss.	Ross.
Gough.	Turney.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	

Absent.

Bailey.	Stone.
Bowser.	Terrell.
Dibrell.	Tillett.
Neal.	Wayland.
Presler.	Yett.
Stafford.	

Excused.

Boren.

Senator Presler was announced.

Senator Colquitt moved that the Sergeant-at-Arms and his assistant be instructed to continue their search for Senators known to be in the city, and to bring them into the Senate Chamber.

So ordered.

(President pro tem. Gough in the chair.)

Senators Neal and Stafford were announced.

Quorum announced.

Pending the reading of the Journal of last Friday,

On motion of Senator Linn of Whar-

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, June 8, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, a bill to be entitled "An act defining an additional method of issuing and serving citations in district, county and justice courts, and defining their contents, and providing an additional method of making and serving certain certified copies and notices in legal proceedings, and to reduce and regulate the fees therefor,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, June 8, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 9, a bill to be entitled "An act to amend article 2460, Revised Civil Statutes of Texas, by adding articles 2460a, 2460b, 2460c and 2460d, relating to mileage charged by sheriffs and constables in civil cases,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, June 7, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, a bill to be entitled "An act to reduce and fix certain civil fees to be paid to clerks of district courts, clerks of the county court, sheriffs and justices of the peace."

And find the same correctly engrossed.

GOUGH, Chairman.

Call concluded.

COMMUNICATION.

The Chair laid before the Senate the following:

Austin, Texas, June 8, 1897.

Hon. Geo. T. Jester, President of the Senate:

Dear Sir: I herewith tender by resignation as Assistant Doorkeeper of the Senate, and in doing so I desire to ex-

press to you and the Senators my appreciation for the many courtesies shown me. Yours very truly,

MARTIN JIMENEZ.

On motion of Senator Lewis, the above resignation was accepted.

HOUSE MESSAGE.

Hall House of Representatives,
Austin, Texas, June 7, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 20, entitled "An act to appropriate \$1000 for traveling expenses and other pressing contingent expenses of the Blind Institute and the Deaf and Dumb Institute of the State of Texas."

By a two-thirds vote: yeas 99, nays 1.

House bill No. 21, entitled "An act making an appropriation to defray the contingent expenses of the first called session of the Twenty-fifth Legislature, convened May 22, 1897, by proclamation of the Governor."

By the following vote: yeas 87, nays none.

Substitute House bills Nos. 6 and 19, entitled "An act to regulate and fix the fees, salaries, commissions and perquisites of county judges, county attorneys, district attorneys, sheriffs, constables, clerks of the county court, clerks of the district court, tax assessors and tax collectors of the several counties of the State of Texas, and to repeal all laws and parts of laws in conflict herewith.

With amendments, and by the following vote: yeas 75, nays 14.

Respectfully,

LEE J. ROJNTREE,
Chief Clerk House of Representatives.

IN SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 20, to the Committee on Finance.

House bill No. 21, to the Committee on Finance.

Substitute House bills Nos. 6 and 19, to the Committee on Finance.

BILLS ON THIRD READING.

The Chair laid before the Senate, on third reading,

Senate bill No. 11, a bill to be entitled "An act defining an additional method of issuing and serving cita-

tions in district, county and justice courts, and defining their contents, and providing an additional method of making and serving certain certified copies and notices in legal proceedings."

Bill read third time, and

On motion of senator Turney, was laid on the table subject to call.

(Lieutenant Governor Jester in the chair.)

The Chair then laid before the Senate, on second reading,

Senate bill No. 1, a bill to be entitled "An act to amend article 4560g, of chapter 12b, title XCIV, of the Revised Civil Statutes of the State of Texas, on the subject of railroads, defining who are fellow-servants."

Bill read second time, with adverse majority and favorable minority committee reports.

Senator Atlee moved to substitute the minority committee report for that of the majority.

Senator Lewis made the point of order that consideration of the bill was not in order, for the reason that the bill being reported unfavorably by a majority of the committee put it at the foot of the calendar.

Not sustained.

Senator Lewis then moved to postpone further consideration of the bill till Thursday next, after call.

Carried.

INVITATION.

The Chair laid before the House the following:

Executive Office.

Austin, Texas, June 8, 1897.

Governor Culberson extends a cordial invitation to the members of the Legislature, the officers and clerks of the two houses, and their wives, to an excursion over Lake McDonald on the steamer Ben Hur next Thursday afternoon, the 10th instant. The boat will leave the wharf at the Dam promptly at 4 o'clock p. m., and will return about 8 o'clock.

On motion of Senator Atlee, the above invitation was unanimously accepted.

BILLS ON SECOND READING.

The Chair laid before the Senate, on second reading,

Senate bill No. 7, a bill to be entitled "An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employes, and to pro-

employe based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages."

Bill read second time, with favorable majority and adverse minority committee reports.

Senator Beall moved to postpone further consideration, and that the bill be made special order for Thursday next in connection with Senate bill No. 1.

Lost by the following vote:

Yeas—9.

Atlee.	Linn of Victoria.
Beall.	Neal.
Burns.	Stafford.
Goss.	Turney.
Kerr.	

Nays—13.

Colquitt.	Morriss.
Darwin.	Presler.
Gough.	Rogers.
Greer.	Ross.
Harrison.	Woods.
Lewis.	Yantis.
Linn of Wharton.	

Absent.

Bailey.	Terrell.
Bowser.	Tillett.
Dibrell.	Wayland.
Stone.	Yett.

Excused.

Boren.

Senator Atlee moved to adopt the minority committee report in lieu of the majority.

Lost.

The majority committee report was then adopted by the following vote:

Yeas—13.

Darwin.	Morriss.
Goss.	Presler.
Gough.	Rogers.
Greer.	Ross.
Harrison.	Woods.
Lewis.	Yantis.
Linn, Wharton.	

Nays—8.

Atlee.	Linn, Victoria.
Beall.	Neal.
Burns.	Stafford.
Kerr.	Turney.

Yea.	Paired.	Nay.
Colquitt.	Dibrell.	

Absent.

Bailey.	Tillett.
Bowser.	Wayland.
Stone.	Yett.
Terrell.	

Excused.

By Senator Atlee:

Amend section 1 by inserting after the word "employee" in line 16, the following: "while engaged in operating the locomotive, engine, cars or trains."

(Senator Greer in the chair.)

After discussion, and pending action.

On motion of Senator Linn of Wharton, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Beall.	Linn of Victoria.
Burns.	Linn of Wharton.
Colquitt.	Neal.
Darwin.	Rogers.
Goss.	Ross.
Greer.	Stafford.
Harrison.	Turney.
Kerr.	Woods.
Lewis.	Yantis.

Absent.

Atlee.	Presler.
Bailey.	Stone.
Bowser.	Terrell.
Dibrell.	Tillett.
Gough.	Wayland.
Morriss.	Yett.

Excused.

Boren.

In order to secure and maintain a quorum,

Senator Greer moved a call of the Senate, which was ordered, the following Senators answering to their names:

Beall.	Linn of Victoria.
Burns.	Linn of Wharton.
Colquitt.	Morriss.
Darwin.	Neal.
Goss.	Ross.
Greer.	Stafford.
Harrison.	Turney.
Kerr.	Woods.
Lewis.	Yantis.

Absent.

Atlee.	Rogers.
Bailey.	Stone.
Bowser.	Terrell.
Dibrell.	Tillett.
Gough.	Wayland.
Presler.	Yett.

Excused.

Boren.

Senators Rogers and Atlee were announced.

On motion of Senator Colquitt, the Sergeant-at-Arms was instructed to bring in the absent Senators who were in the city, and that Senators out of the city be wired to return.

(Senator Ross in the chair.)

Senator Gough was announced.

Quorum announced.

The Senate resumed consideration of Senate bill No. 7, action being on Senator Atlee's amendment (see morning session).

The amendment was lost by the following vote:

Yeas—10.

Atlee.	Kerr.
Beall.	Linn of Victoria.
Burns.	Neal.
Colquitt.	Stafford.
Greer.	Turney.

Nays—11.

Darwin.	Morriss.
Goss.	Rogers.
Gough.	Ross.
Harrison.	Woods.
Lewis.	Yantis.
Linn of Wharton.	

Absent.

Bailey.	Terrell.
Bowser.	Tillett.
Dibrell.	Wayland.
Presler.	Yett.
Stone.	

Excused.

Boren.

By Senator Colquitt:

Amend by striking out all after line 6, page 1, and insert the following:

"An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employes, to define who are fellow-servants, and to prohibit contracts between employer and employe based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages.

"Be it enacted by the Legislature of the State of Texas:

"Section 1. That every person, receiver or corporation operating a railroad or street railway, the line of which shall be situated in whole or in part in this State, shall be liable for all damages sustained by any servant or employe thereof while engaged in the work of operating the cars, locomotives or trains of such persons, receiver or corporation, by reason of the negligence of any other servant or employe of such person, receiver or corporation, and the fact that such serv-

ants or employes were fellow-servants with each other shall not impair or destroy such liability.

"Sec. 2. All persons engaged in the service of any person, receiver or corporation controlling or operating a railroad or street railway, the line of which shall be situated in whole or in part in this State, who are entrusted by such person, receiver or corporation with the authority or superintendence, control or command of other servants or employes of such person, receiver or corporation, or with the authority to direct any other employe in the performance of any duty of such employe, are vice-principals of such person, receiver or corporation, and are not fellow-servants with their co-employes.

"Sec. 3. All persons who are engaged in the common service of such person, receiver or corporation, controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment, and are doing the same character of work or service, and are working together at the same time and place and at the same piece of work, and to a common purpose, are fellow-servants with each other. Employes who do not come within the provisions of this section shall not be considered fellow-servants.

"Sec. 4. No contract made between the employer and employe, based upon the contingency or death of the employe and limiting the liability of the employer under this act, or fixing damages to be recovered, shall be valid or binding.

"Sec. 5. Nothing in this act shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employe is caused proximately by his own contributory negligence.

"Sec. 6. The short duration of the special session of the Legislature, and the fact that the existing fellow-servant law is inadequate to accomplish its purpose, and the fact that a large portion of our citizens have no adequate remedy for personal injuries sustained, create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

By Senator Stafford:

Amend section 1 of the bill by adding the following: "All contracts made

between any employer embraced in this act and any employe, labor organization or organization of employes by which such employer contracts or agrees to employ only such persons as shall be members of such organizations, or who shall be satisfactory to the same, or that any given order of promotion shall be observed, certain fixed rates of compensation shall be paid, or limiting the right of said employers to employ or discharge employes, shall be illegal, null and void."

Senator Lewis raised the point of order that the amendment was not in order, for the reason that it was not germane to the bill.

Sustained.

Senator Stafford appealed from the ruling of the Chair.

The Chair was sustained by the following vote:

Yeas—13.

Beall.	Lewis.
Burns.	Linn of Wharton.
Darwin.	Presler.
Goss.	Rogers.
Gough.	Woods.
Greer.	Yantis.
Harrison.	

Nays—8.

Atlee.	Morriss.
Colquitt.	Neal.
Kerr.	Stafford.
Linn of Victoria.	Turney.

Present, not voting.

Ross.

Absent.

Bailey.	Terrell.
Bowser.	Tillett.
Dibrell.	Wayland.
Stone.	Yett.

Excused.

Boren.

Senator Stafford then offered to substitute as follows:

Amend by substituting the following after the caption:

"Section 1. Be it enacted by the Legislature of the State of Texas: That every person, receiver or corporation controlling or operating a railroad or street railway, the line of which shall be situated in whole or in part in this State, shall be liable for all damages sustained by any servant or employe of such person, receiver or corporation by reason of the negligence of any other servant or employe of such person, receiver or corporation, except when such employes or servants are working together at the same time and place, to a common purpose, and in the same grade of employment.

"Sec. 2. No contract made between the employer and employe based upon the contingency of death or injury of the employe, and limiting the liability of the employe under this act, or fixing damages to be recovered, shall be valid or binding.

Sec. 3. Nothing in this act shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employe is caused proximately by his own contributory negligence.

Senator Gough made the point of order that the substitute was not in order, for the reason that the bill had in effect already been substituted.

Not sustained.

Pending action, the following House message was received:

Hall House of Representatives,
Austin, Texas, June 8, 1897.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bill:

Senate bill No. 2, a bill to be entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes,"

With amendments, and by the following vote: yeas 71, nays 15.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Senator Colquitt called up Senate bill No. 2 (see caption above), which had passed the House with amendments, and moved that the Senate do not concur in said amendments, and that the appointment of a free conference committee to consider the differences of the two houses thereon be requested.

Carried.

After discussion of Senator Stafford's substitute,

On motion of Senator Burns, the Senate adjourned to 10 o'clock a. m. to-morrow by the following vote:

Yeas—13.

Atlee.	Linn of Victoria.
Beall.	Morriss.
Burns.	Neal.
Darwin.	Ross.
Goss.	Stafford.
Greer.	Turney.
Kerr.	

Nays—9.

Colquitt.	Harrison.
Gough.	Lewis.

4—Senate

Linn of Wharton	Woods.
Presler.	Yantis.
Rogers.	

Absent.

Bailey.	Terrell.
Bowser.	Tillett.
Dibrell.	Wayland.
Stone.	Yett.

Excused.

Boren.

FOURTEENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, June 9.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn, Wharton.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Terrell.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	Yett.
Linn, Victoria.	

Absent.

Bailey.	Tillett.
Stone.	

Excused.

Boren.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We give Thee unanimous and unfeigned thanks for all Thy mercies and blessings lavished upon us. Thou hast been so good to us. Work within us all the miracles of Thy grace. Wash us with Thy blood, cleans us by the wondrous sacrifice of Thy Son, and recover us from all alienation, from bitter hostility, and from all insubordination of heart, and bring us one and all with joyous consent to know and obey Thy will. Regard our land and country. Give wisdom to our counsellors and direction to our leaders. With Thy grace do Thou bless the President of these United States and his cabinet. The Lord cause prosperity to return to our trade and commerce, and establish